

ADMINISTRATIVE HEARING MINUTES

The Cottonwood Heights Community Development Director held an Administrative Hearing at approximately 11:04 a.m. on Wednesday, November 9, 2016 at the City Council Work Room, located at 2277 East Bengal Blvd, Cottonwood Heights, Utah.

Staff Present: Community and Economic Development Director Brian Berndt, Senior Planner Michael Johnson, Associate Planner Andy Hulka, City Recorder Paula Melgar, Business Development & Licensing Peri Kinder.

Others Present: Mr. and Mrs. Sherm North and applicant neighbors, Mr. Howard Willard and Mrs. Helen Willard.

ACTION ITEMS

1.0 (Project # HOC-16-007) Action on a request from Sherm North for conditional use to operate a Home Occupation at 1443 E Dawn Dr.

The CED Director Brian Berndt took action on a request from Sherm North for conditional use to operate a Home Occupation at 1443 E Dawn Dr.

Mr. Andy Hulka, Associate Planner, presented a brief summary of the application and recommendations. A copy of the presentation is attached and incorporated to these minutes by this reference.

Applicant agreed to recommendations.

Approved under recommendations by staff as stated in the staff report. A copy of the presentation and recommendations are attached and incorporated to these minutes by this reference.

Meeting adjourned at approximately 11:12 a.m.

Administrative Hearing Staff Report

Meeting Date: November 9, 2016



FILE NUMBER/

PROJECT NAME: HOC-16-007

LOCATION: 1443 E Dawn Dr, Cottonwood Heights, UT 84121 (Parcel #22-21-305-066)

REQUEST: Conditional use approval to operate a home occupation hair cutting business

OWNER: Sherm & Delores North; 801-870-0653

APPLICANT: Sherm North

RECOMMENDATION: APPROVE, pursuant to attached conditions of approval

APPLICANT'S PROPOSAL

The applicant is proposing to operate a home occupation hair cutting business at 1443 Dawn Dr. The applicant's proposed hours of operation are Tuesday, Friday, and Saturday from 8:00 am to 6:00 pm, with additional hours available by appointment. There will be no additional employees working at the home. The applicant will take one client at a time for approximately 30 minutes each.

BACKGROUND

Zoning

The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations are listed as a conditional use in the R-1-8 zone, as referenced in 19.26.030.E. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence.

Further requirements for home occupations are set forth in chapter 19.76 ("Supplementary and Qualifying Rules and Regulations"). 19.76.040(F) states the following:

F. Home occupations.

- 1. "Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.*
- 2. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises.*

“Reproduction of works of art” includes, but is not limited to printed reproduction, casting, and sound recordings.

3. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

4. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.

5. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.

Staff Analysis: The proposed home occupation will be required to conform in perpetuity to all of the above requirements, as found in the zoning ordinance. Violation of any of these requirements may lead to revocation of any conditional use permit and/or business license on the property.

Nuisance Analysis

The application indicates that the property owner will operate the business out of the home with no additional employees. There will be no products for sale at the home. The business will be inside the home in a sun room that has a separate entrance. The applicant has indicated that there is adequate parking for clients on the driveway.

Noticing

Property owners within 1000 feet of the subject property have been mailed notices.

IMPACT ANALYSIS

Off-site Parking

The applicant's driveway is able to accommodate the clients.

Attachments:

1. Conditions of Approval & Findings
2. Context Aerial

CONDITIONS OF APPROVAL

1. There shall be no more than one employee present at any one time who does not reside in the dwelling;
2. The use shall not include the sale of commodities except those produced on the premises;
3. The lot shall contain one available on-site parking space not required for use of the dwelling;
4. The applicant shall adhere to the hours of operation as described in the written narrative;
5. The use shall comply with all applicable noise regulations;
6. The use shall comply with all local, state and federal laws and regulations;
7. The applicant's property shall be inspected by the city's code enforcement officer and found to be free of nuisance violations prior to issuance of a business license and in perpetuity;

FINDINGS FOR APPROVAL

1. The proposed home daycare, in meeting the above conditions of approval, conforms to applicable home occupation requirements, as found in the Cottonwood Heights Zoning Ordinance (Title 19) and Business License Ordinance (Title 5);
2. The proposed home occupation, in meeting the above conditions of approval, can be found to be clearly incidental and secondary to the primary use of the property as a single-family residence;
3. The proposed conditions of approval act to mitigate any perceived negative impacts created by the applicant's proposal.

CONTEXT AERIAL

